



3700

COPY OF PAPERS  
ORIGINALLY FILED

Section  
3761

PATENTS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David O'Leary  
Serial No.: 09/888,199  
Filing Date: June 23, 2001  
Title: RESERVOIR PRESSURE SYSTEM FOR  
MEDICAMENT INHALER  
Docket Number: NHC0031A-USA

RECEIVED  
APR-5 2002  
FIC 3100 MAIL ROOM

Attn. Of: Office of Initial Patent Examination  
Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR CORRECTION OF INVENTORSHIP IN A NONPROVISIONAL APPLICATION-FILING  
PURSUANT 37 C.F.R. § 1.48(F)(1)

Dear Sir/Madam:

Applicants have filed (under separate cover, copy included for your perusal) an executed Oath/Declaration in the above-captioned application in response to the Notice To file Missing Parts of Application mailed on August 15, 2001, *Filing Date Granted*.

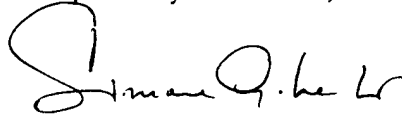
Pursuant 37 C.F.R. § 1.48(f)(1) Applicant avers that the first submission of an executed Oath and Declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship.

Applicant respectfully requests a correction of the official record to reflect David O'Leary as the sole inventor in this case. Please issue and forward a corrected Filing Receipt reflecting the change for our records.

No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 50-0943.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,



Simona A. Levi-Minzi, Ph.D.  
Registration Number 43,750  
Attorney for Applicant

4400 Biscayne Boulevard  
Miami, FL 33137  
Tel.: (305) 575-6061  
Fax. (305) 575-6064

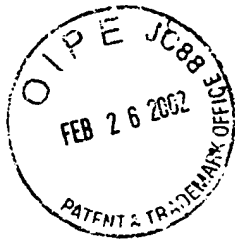
Date: January 15, 2002

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

*I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below.*

Date: 1/15/02

By: Angelo J. Mignanelli  
Angelo J. Mignanelli



COPY OF PAPERS  
ORIGINALLY FILED

COPY

RESERVOIR PRESSURE SYSTEM FOR  
Title: MEDICAMENT INHALER  
Serial No. 09/888,199 Applicant DAVID O'LEARY

In the above matter, the following have been received by the US Patent and Trademark Office on the date stamped hereon.

- |   |  |
|---|--|
| <input type="checkbox"/> Express Mail Label No. _____                               | <input checked="" type="checkbox"/> Certificate of Mailing under 37 CFR 1.8(a)                                   |
| <input type="checkbox"/> Application incl. _____ pages (____ Design)                | <input type="checkbox"/> Response to Office Action/Restriction Req.  |
| _____ pp. of specification  | <input type="checkbox"/> Petition for ____ month extension of time   |
| _____ pp. of claims (# of claims - _____)   | <input type="checkbox"/> Assignment and Cover Sheet  |
| _____ pp. of abstract   | <input type="checkbox"/> Amendment ( <input type="checkbox"/> Preliminary; <input type="checkbox"/> After Final) |
| _____ sheets of drawings; Figs. _____   | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> formal <input type="checkbox"/> informal                   | <input type="checkbox"/> Appellant's Brief (triplicate) ( <input type="checkbox"/> Reply Brief)                  |
| <input type="checkbox"/> Provisional Application Cover Sheet                        | <input type="checkbox"/> Letter to Chief Draftsperson  |
| <input type="checkbox"/> Declaration / Power of Attorney (____ Unsigned)            | <input type="checkbox"/> Issue Fee / <input type="checkbox"/> Maintenance Fee Transmittal                        |
| <input checked="" type="checkbox"/> Verified Statement Claiming Small Entity Status | <input type="checkbox"/> Sequence listing; <input type="checkbox"/> Diskette                                     |
| <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts            | <input checked="" type="checkbox"/> Transmittal Letter   |
| <input type="checkbox"/> Request for filing CPA; 37 CFR 53(d)                       | <input type="checkbox"/> Check for \$ _____; check # _____   |
| <input type="checkbox"/> IDS, PTO-1449, and _____ references (Supp. _____)          | <input type="checkbox"/> Deposit Account Authorization \$ _____  |

☐ other: \_\_\_\_\_

☐ other: \_\_\_\_\_

Mailing Date: 11/5/02 Docket No. 04-000214-USA Atty/paralegal/secy: Sam Law



COPY OF PAPERS  
ORIGINALLY FILED

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David O'Leary

Serial No.: 09/888,199

Filing Date: June 23, 2001

Title: RESERVOIR PRESSURE SYSTEM FOR  
MEDICAMENT INHALER

Docket Number: NHC0031A-USA

COPY

RECEIVED  
APR - 5 2002  
TC 3700 MAIL ROOM

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**FILING DATE GRANTED**

Dear Sir:

In response to the Notice to file Missing Parts of Application mailed on August 15, 2001, *Filing Date Granted*, applicants submit the following documents for filing in the above-referenced patent application:

1. An executed Declaration and Power of Attorney form filed from the named inventor, David O'Leary;
2. A copy of the Notice to File Missing Parts of Application mailed on August 15, 2001; and
3. Return Postcard.

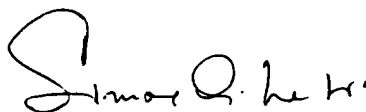
COPY

The surcharge fee of \$130.00 set forth in 37 C.F.R. § 1.16(e) and the extension fee pursuant to 37 C.F.R. § 1.17(a)(3) are to be charged to our Deposit Account No. 50-0943. For this purpose, we enclose a duplicate copy of this document. The fees paid reflect the Large Entity status of this patent application.

No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 50-0943.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,



Simona A. Levi-Minzi, Ph.D.  
Registration Number 43,750  
Attorney for Applicants

4400 Biscayne Boulevard  
Miami, FL 33137  
Tel.: (305) 575-6061  
Fax. (305) 575-6064

Date: January 15, 2002

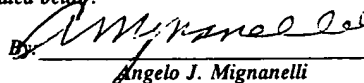
CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

*I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below.*

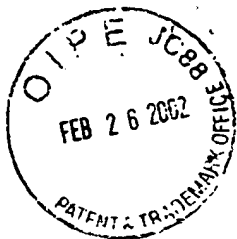
Date:

1/15/02

By:



Angelo J. Mignanelli



COPY OF PAPERS  
ORIGINALLY FILED

**DECLARATION AND POWER OF ATTORNEY**  
(Attorney Docket No. NHC0031A-USA )

COPY

As below-named inventor, I hereby declare that:

My residences, post office addresses and citizenship are as stated below next to my name.

I believe I am the original, first and only inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**RESERVOIR PRESSURE SYSTEM FOR MEDICAMENT INHALER**

the specification of which (check only one):

- ☐ is attached hereto.
- ☒ was filed as United States Patent Application  
Serial No. 09/888,199  
on June 23, 2001  
and was amended  
on \_\_\_\_\_  
(if applicable)
- ☐ was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)

RECEIVED  
APR - 5 2002  
TC 3700 MAIL ROOM

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

D. J. J. J.  
15 Jan 2002

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119:**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
-------------------------------------	-----------------------	----------------	---

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: (PENDING OR ABANDONED)
60/213,668	June 23, 2000	Abandoned
60/213,382	June 23, 2000	Pending

I hereby claim the benefit under Title 35, United States code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
--------------------	--------------------------------------	--

**POWER OF ATTORNEY:** As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Monte Browder	Registration No. 36,761
Simona Levi-Minzi	Registration No. 43,750

the mailing address and telephone number of each of whom is IVAX Corporation, 4400 Biscayne Boulevard, Miami, Florida 3317, (305) 575-6061.

*Deary*  
*15 Jan 2001*

Send Correspondence to:

Simona Levi-Minzi  
IVAX Corporation  
4400 Biscayne Boulevard  
Miami, Florida 33137

Direct Telephone Calls to:

Simona Levi-Minzi  
Tel: (305) 575-6061  
Fax: (305) 575-6064

Wherefore, I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of our my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: David O'Leary

Inventor's signature David O'Leary Date 15 January 2002  
Residence: 25 Newburgh Road Essex RM17 6UG, England  
Citizenship: United Kingdom  
Post Office Address: 25 Newburgh Road Essex RM17 6UG, England

D O'Leary  
15 Jan 2002

COPY OF PAPER  
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,199	06/23/2001	Lawrence Keane	NHC0031A-USA

 IVAX Corporation  
 4400 Biscayne Boulevard  
 Miami, FL 33137


CONFIRMATION NO. 8435

## FORMALITIES LETTER



\*OC00000006427373\*

Date Mailed: 08/15/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

 RECEIVED  
 APR - 5 2002  
 C 3700 MAIL ROOM